

E N D O R S E M E N T

DAVID H. DEAN V. LOWE'S HOME CENTERS, INC.
04-CV-12605-MEL

LASKER, D.J.

Defendant Lowe's Home Centers, Inc. ("Lowe's") moves for summary judgment on the two counts of discrimination and retaliation stated in the Complaint. Lowe's also moves for a protective order to stop plaintiff David Dean ("Dean") from taking the depositions of Daniel Puccio ("Puccio") and Frank Romano ("Romano").

Lowe's motion for a protective order is DENIED as to Puccio. However, the deposition is limited to the following issues: (1) Did any responsible Lowe's official have knowledge as to Puccio's placement of the noose on Dean's desk prior to the incident; and (2) After his resignation, was Puccio rehired by Lowe's. The second subject is allowed although its significance appears to be limited.

Lowe's motion for a protective order is GRANTED as to Romano. Simply stated, Dean has not provided a reason as to why Romano's deposition is relevant to the issues raised in the Complaint.

Following the Puccio deposition, Dean should submit a brief memo as to the significance of Puccio's testimony. Lowe's may then submit a memo in opposition. Accordingly, decision on the motion for summary judgment is deferred at this time.

It is so ordered.

Dated: September 20, 2005
Boston, Massachusetts

/s/ Morris E. Lasker
U.S.D.J.